

BOARD OF ADJUSTMENT MINUTES

MAY 25, 2016

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of the Norman Municipal Building A, 201-A West Gray, at 4:30 p.m., May 25, 2016. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at www.normanok.gov/content/board-agendas at least 24 hours prior to the beginning of the meeting.

Item No. 1, being:

CALL TO ORDER

Chairman Andrew Seamans called the meeting to order at 4:30 p.m.

* * *

Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Hank Ryan
Curtis McCarty
Nils Gransberg (arrived at 4:35 p.m.)
Andrew Seamans

MEMBERS ABSENT

Kristen Dikeman

A quorum was present.

STAFF PRESENT

Susan Connors, Director, Planning & Community
Development
Wayne Stenis, Planner II
Rick Knighton, Asst. City Attorney
Roné Tromble, Recording Secretary

* * *

Item No. 3, being:

APPROVAL OF MINUTES OF THE APRIL 27, 2016 REGULAR MEETING

*Hank Ryan moved to approve the minutes of the April 27, 2016 Regular Meeting as presented.
Curtis McCarty seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS
NAYS
ABSENT

Hank Ryan, Curtis McCarty, Andrew Seamans
None
Nils Gransberg, Kristen Dikeman

Ms. Tromble announced that the motion to approve the April 27, 2016 Minutes as presented passed by a vote of 3-0.

* * *

Item No. 4, being:

BOA-1516-21 – CARL DEAN REQUESTS A VARIANCE OF 5' TO THE 5' SIDE YARD (NORTH) SETBACK FOR A PORTICO AND A VARIANCE OF 1' TO THE 10' WIDTH OF A DRIVEWAY FOR THE AREA UNDER THE PORTICO FOR NEW CONSTRUCTION ON PROPERTY LOCATED AT 477 COLLEGE AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Aerial Photo with Carport Locations
4. Photos of Carports
5. Application with Attachments

PRESENTATION BY STAFF:

Ms. Connors commented the applicant should know that, given there are only three members present, if they don't all vote in favor, it will be denied. The applicant can choose to postpone.

Michael Dean asked if there is any guarantee that there would be more members present at the next meeting. Mr. Seamans indicated there is no guarantee that more members will be present at the next meeting.

Mr. Dean asked if they can apply for the same variance if it is not approved today. Ms. Connors said there can be an appeal to District Court. She does not think there is any restriction in the code to prevent them from reapplying.

Mr. Dean said they will go ahead and proceed.

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. One protest was filed which was 3% of the notification area.

Mr. Ryan asked whether the Board granted a variance that allowed it any of the similar structures to be non-conforming. Mr. Stenis responded that he researched the variances for the addresses and there were none granted by the Board of Adjustment for any of those addresses. He did not know when they were constructed.

PRESENTATION BY THE APPLICANT:

Michael Dean – Basically we really want to keep the integrity of the neighborhood and build something that is timely and looks like it should have been built in the 1920s. So that's why I think we're going with the Craftsman bungalow style. As you saw some pictures that people are able to enjoy some of those porticos and the pictures that we provided of what we're looking at I think really fits that neighborhood. We understand that it could become an encumbrance on Leah and the neighbor and we've spoken with Leah several times. We've discussed options and they really don't want to sell, and that's fine. We know that being on the property line can be an encumbrance and it could cause some adverse effects, and we're happy to do what the Board would think – moving it over, maybe splitting the difference to 2.5 on one side and 2.5 on the other, or even shrink the house down by a foot, move it over to a 4 foot on the south side and it would be 3 feet on the north side. So we're really happy to take any recommendations of what the staff would prefer and what the City would prefer and really make everybody mutually happy.

Carl Dean – Drainage was one thing that Leah was really concerned about. I would be willing to put the drainage in there – a drain line, not just gutters or something. She was giving me information that I didn't know about the property that we bought, and said it flooded very badly on the back, and I don't need that. I'll put drainage there and I'll put a Y so that her property can drain into that, too, and it can go right down the line there so that we can do that and it will keep that off of there.

AUDIENCE PARTICIPATION:

Leah Kenton-McGaha, 475 College Avenue – I'm the property owner immediately to the north. My house was built in 1929 and it is sort of one of those non-conforming houses because, at some point long before my family bought the house in the 1980s, the garage was closed off and made into an apartment, and the carpark was added that was not adequately supported with the roof. When my husband and I began repairing the house, we reinforced the carpark and made it part of the entire roof. But our property line, even though we didn't change anything, it's still one foot away from the property line to the north. So I really don't have any room to object to a carpark or a structure or a portico being one foot away. As Mr. Dean did say, my primary concerns with the carpark variance is as the property currently stands, a large amount of drainage comes off of the property on Elm that's immediately located behind 477 and it drains off very significantly into the back yards of 477, 475 and 479. There is currently a drainage ditch between 475 and 477 that has been there since at least the 80s, because my family owned 475 College. I expressed my concern about drainage to Mr. Dean, and I also expressed my concerns of water runoff and how it's coming down on the wooden fence that I have been establishing along the property line. But Mr. Dean has already discussed guttering and plans for handling that drainage so that my property would not be negatively affected. I would be happiest if there were at least a one foot space between the edge of the carport or the portico and the property line, but beyond that I don't have any concerns, as long as the drainage is adequate.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Ryan – You had mentioned that this is going to be new construction, so it's not like you can't change this. It's not already in place.

Carl Dean – No. Contractors say it's easier to get forgiveness. I want to do it the right way. Wayne has informed me and educated me and he's done a lot of work on this, too, so I appreciate that. We decided that it's a single-family home that we wanted to build, even though it was zoned R-3. But we want to keep the neighborhood something very, very nice. We can change some things. It's just very narrow – and I'm still going to talk with Leah a little bit and see if I can buy two feet. I'll build your storm cellar.

Mr. Ryan – I feel like, since this is not bound by something that's already there, they've got a clean slate and I think we just need to go back and try again to get closer where we're not doing so much. They've got these options: maybe being able to purchase some; the house doesn't have to be this wide.

Mr. Gransberg – I'm really happy you are willing to address the drainage issues, because everyone knows the water always wins. The other concern is fire, and when you get structures too close to each other, that becomes an even more serious issue. My concern is that part of the purpose in these codes is that you have sufficient separation between your residences so that, in the chance that there is a house fire, the fire doesn't spread from house to house.

Carl Dean – There still is 15', even with that, between the outside portion of the portico to the house.

Mr. McCarty – That doesn't protect the future of the owner to the north. So if they were to decide to add on, they have the right to go within five feet, then you're within that setback requirement.

Ms. Kenton-McGaha – I can point out, as the current owner. The house that was built in 1929 is brick. The way it's built, really the only way to reasonably extend it would be what previous owners have already, which is add on into the back. There is really no easy way to extend onto the south side, because it's a brick wall with a few windows and bedrooms; there's no outside access. There's no driveway access; the driveway is on the north side of the property. So it's really not a direction I can see the house being expanded when expanding to the east in the back yard would be a much easier option.

Michael Dean – For fire safety, did Wayne mention that they usually like to have at least three feet? Did I hear that correctly?

Mr. McCarty – It's three feet, plus it's got to be fire-rated construction.

Hank Ryan moved to deny the Variance of 5' to the required 5' side yard (north) setback for a portico and the Variance of 1' to the 10' width of driveway for the area under the portico for new construction as requested by the applicant. Curtis McCarty seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Hank Ryan, Curtis McCarty, Nils Gransberg, Andrew Seamans
NAYS	None
ABSENT	Kristen Dikeman

Ms. Tromble announced that the motion, to deny the Variances, passed by a vote of 4-0.

Mr. Seamans noted that there is a 10-day appeal period before the Board's decision is final.

Mr. Ryan commented that he appreciates their efforts on an in-fill project; he knows personally what a challenge it can be.

* * *

Item No. 5, being:

MISCELLANEOUS DISCUSSION

Mr. Seamans reminded members to be careful about "Respond All" on emails, because of the Open Meetings Act.

Item No. 6, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 4:53 p.m.

PASSED and ADOPTED this 22nd day of June, 2016.


Secretary, Board of Adjustment